

APPEAL NO. 032572
FILED NOVEMBER 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 11, 2003. The hearing officer determined that the compensable injury of _____, does not include the lumbar spine injuries evidenced by the June 17, 2002, MRI (congenitive osteoarthritis, slight endplate compression of L1, disc herniation L5-S1 on the left with no neural encroachment, and spinal stenosis at L4-5 predominantly related to ligamentous thickening).

The claimant appeals each and every determination adverse to him, asserting that there is medical evidence to support his position. The carrier responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, in a fall and that he "has complained of back problems since that date." The claimant is 65 years old and a cervical MRI performed on April 29, 2002, and a lumbar MRI performed on June 17, 2002, recited the claimed conditions. The hearing officer summarized some of the pertinent medical reports in her Statement of the Evidence and concluded that the conditions revealed by the MRIs in 2002 were not a direct and natural result of the claimant's compensable injury, that the damage revealed by the MRI taken 11 years after the compensable injury was the result of degenerative changes and ordinary diseases of life, and that the compensable injury does not include the claimed conditions.

Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PROTECTIVE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge